

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA
Plaintiff

v.

NICHOLAS PEÑA-GONZALEZ
Defendant-Petitioner

Cr. 97-284-03(JAF)

**MOTION TO VACATE, SET ASIDE OR CORRECT CRIMINAL SENTENCE
PURSUANT TO 28 U.S.C. 2255, BLAKELY V. WASHINGTON 542 U.S. __ (06/24/2004)
AND DODD V. UNITED STATES 545 U.S. __ (06/20/2005)**

TO THE HONORABLE COURT:

Comes now the Defendant-Petitioner, Nicholas Peña-González, by and through the undersigned counsel, and very respectfully states, informs, and prays as follows:

1. Defendant-Petitioner Nicholas Peña-González respectfully moves this Honorable Court, sentencing U.S. District Judge, to vacate, set aside or correct his criminal sentence pursuant to Blakely v. Washington 542 U.S. __ (06/24/2004) and Dodd v. U.S. 545 U.S. __ (06/20/2005).

THEREFORE, for the above stated reasons, the Defendant-Petitioner prays this Honorable Court to vacate, set aside or correct his criminal sentence pursuant to Blakely v. Washington 542 U.S. __ (06/24/2004) and Dodd v. U.S. 545 U.S. __ (06/20/2005), and any other remedy pursuant to law.

I do certify that on this date I electronically filed the foregoing Motion to Vacate, Set Aside or Correct Criminal Sentence Pursuant to 28 U.S.C. 2255, *Blakely v. Washington* 542 U.S. (06/24/2004) and *Dodd V. United States* 545 U.S. (06/20/2005) with the Clerk of the Court, using the CM/ECF system, which will send notification to the United States Attorney's Office, Torre Chardon, 350 Carlos Chardon St., Suite 1201, San Juan, P.R. 00918.

Respectfully submitted, in San Juan, Puerto Rico, today, June 23, 2005.

FOR DEFENDANT-PETITIONER
NICHOLAS PEÑA-GONZÁLEZ

S/ RAFAEL ANGLADA-LOPEZ
RAFAEL ANGLADA-LOPEZ
U.S.D.C. - P.R. NO. 202508
PO BOX 194886
SAN JUAN, PUERTO RICO 00919
TEL. (787) 250-0917
FAX (787) 765-8679